

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 21, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: EOT-35880 – EXTENSION OF TIME – SPECIAL USE PERMIT  
– APPLICANT: JIT & NIRMAL MANN - OWNER: RECEIVERSHIP OF AMAPOLA  
ORANGE, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. This Special Use Permit (SUP-22251) shall expire on September 5, 2010 unless another Extension of Time is approved by City Council.
2. Conformance to the conditions of approval of the Special Use Permit (SUP-22251) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The subject site currently has an existing shopping center with a previously approved Special Use Permit (SUP-22251) for a Supper Club with a waiver to allow a 152-foot separation from a childcare facility where 400 feet is required. The applicant has been issued several building permits for tenant improvements for the supper club that are still active, along with applying for their business licenses (not yet issued). There has been one Code Enforcement case (67666) processed on 07/11/08 for illegal signs and banners at 2000 South Rainbow Boulevard that was closed by Code Enforcement on 07/25/08. The applicant is requesting an Extension of Time to complete the tenant improvements and for the issuance of the business licenses for the use. Staff is recommending approval with a one-year time limit.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
10/19/94	The City Council approved a request for Rezoning (Z-0081-94) from N-U (Non-Urban) to C-1 (Limited Commercial) for a 63,000 square-foot retail shopping center and equipment rental facility located at the east side of Rainbow Boulevard, between Oakey Boulevard and O'Bannon Drive. The Planning Commission recommended approval on 09/22/94.
08/08/96	The Planning Commission approved a request for a plot plan and building elevation review [Z-0081-94(1)] for a 63,000 square-foot retail shopping center on property located at the east side of Rainbow Boulevard, between Oakey Boulevard and O'Bannon Drive.
01/22/98	The Planning Commission approved a request for a Site Development Plan Review [Z-0081-94(2)] for a proposed 20,700 square-foot building in an existing retail center on property located on Rainbow Boulevard between Oakey Boulevard and O'Bannon Drive.
03/26/98	The Planning Commission approved a request for a Site Development Plan Review [Z-0081-94(3)] for a proposed 13,242 square feet, one-story retail, and office building on property located on the south side of Oakey Boulevard, east of Rainbow Boulevard.
05/14/98	The Planning and Development Department administratively approved a request for a Site Development Plan Review [Z-0081-94(4)] for a proposed 5,323 square-foot Bank on property located on the east side of Rainbow Boulevard, approximately 100 feet north of O'Bannon Drive.

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
11/05/98	The Planning Commission approved a request for a Site Development Plan Review [Z-0081-94(5)] for a proposed 24,932 square-foot addition to an existing retail center on property located on the east side of Rainbow Boulevard, south of Oakey Boulevard.
09/05/07	The City Council approved a request for a Special Use Permit (SUP-22251) for a proposed Supper Club with a waiver to allow a 152-foot separation from a childcare facility where 400 feet is required at 2000 South Rainbow Boulevard. The Planning Commission recommended approval on 08/09/07.
07/11/08	A Code Enforcement case (67666) was processed for illegal signs and banners at 2000 South Rainbow Boulevard. Code Enforcement closed the case on 07/25/08.
10/15/08	The City Council approved a request for an Extension of Time of a previously approved Special Use Permit (SUP-22251) for a proposed Supper Club with a waiver to allow a 152-foot separation from a childcare facility where 400 feet is required at 2000 South Rainbow Boulevard.
<b><i>Related Building Permits/Business Licenses</i></b>	
04/06/09	Two permits (133579 and 133580) were issued for interior demolition in preparation for tenant improvements for a Supper Club at 2000 South Rainbow Boulevard, Ste 108 & 110.
09/05/07	Two business licenses (L21-95856 and R09-95855) were filed for a Supper Club and Restaurant at 2000 South Rainbow Boulevard, Suite 108 and 110. The licenses are still pending.
08/31/09	A building permit (132463) was issued for tenant improvements for a Supper Club at 2000 South Rainbow Boulevard, Suite 110. The permit is still open.
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required for this type of application, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	3.55

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Shopping Center with a proposed Supper Club	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishments and Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single-Family	R (Rural Density)	R-E (Residence)

	Residences	Residential)	Estates)
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<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
West	Offices and Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## ANALYSIS

This is the second request for an Extension of Time of a previously approved Special Use Permit (SUP-22251) for a Supper Club with a waiver to allow a 152-foot separation from a childcare facility where 400 feet is required at 2000 South Rainbow Boulevard, Ste 108 & 110. The applicant has been issued several building permits for tenant improvements for the Supper Club that are still active, along with applying for their business licenses (not yet issued). There has been one Code Enforcement case (67666) processed on 07/11/08 for illegal signs and banners at 2000 South Rainbow Boulevard that was closed by Code Enforcement on 07/25/08.

Title 19.18.060 deems a Special Use Permit exercised upon the approval of a business license, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

## FINDINGS

The Special Use Permit (SUP-22251) has not met the requirements outlined in Title 19.18.060 to exercise the entitlement. The applicant is requesting additional time to complete the tenant improvements and receive their business licenses. Staff is recommending approval of this request with a one-year time limit. Conformance to the conditions of approval of the Special Use Permit (SUP-22251) shall be required.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** N/A

**ASSEMBLY DISTRICT** N/A

**SENATE DISTRICT** N/A

**NOTICES MAILED** N/A

**APPROVALS** 0

**PROTESTS** 0